



**APPLICATION
To
Board of Zoning Appeals
City of Chesapeake, Virginia**

Please print or type
I (we) the undersigned do hereby apply to the Chesapeake Board of Zoning Appeals for a hearing on the following request:

REQUEST VARIANCE FROM 6' FENCE HEIGHT
FROM GROUND TO 6' HEIGHT FROM DECK LEVEL
FOR PARTITION PRIVACY FENCING BETWEEN
TOWN HOME UNITS

From 6 feet to 8.5 feet

Use extra sheets if necessary

Location of Property Involved in this Request

2801-2835 ESTELLA WAY AND 201-221 ASTRA LANE
Address

Legal Description:

Lot	Block	Section	Phase/Part
<small>Subdivision</small>	<small>Borough</small>		

Property Owner(s): ESTELLA VILLAS LLC 0193023000000
0193023000001

Tax Map ID or Real Estate Parcel Number: 0191001000250

Application Information

TIM D MOODY / MOODY HOMES
613 LYNNHAVEN PKWY SUITE 200
VA BEACH VA 23452
TMOODY@MOODYHOMES.COM

Home Phone Number E-Mail Address Cell Phone Number

Applicant's Interest in the Property

- OWNER *(A Power of Attorney Form Is required) Contract Purchaser Owner's Agent Lessee/Tenant
 Other (explain)

[Signature] 8/28/20
Applicant's Signature

Applicant's Signature

Board of Zoning Appeals Use Only:

BZA APPLICATION NUMBER: 19-27 HEARING DATE: 9/29/2020

Granted Denied Withdrawn Upheld Overturned

Conditions: _____

Reviewing Zoning Official: Dale Ware
Date and Time Received: 28 AUGUST 2020 12PM
Zoning District: RMF-1
Zoning Map Number: 217
Receipt Number: 570900

ACKNOWLEDGEMENT

BZA APPLICATION NUMBER: #20-27 (to be completed by BZA Secretary)

DECLARATION OF BOARD OF ZONING APPEALS INTEREST:

State whether any member of the Board of Zoning Appeals owns or has any personal or financial interest in the land that is subject to the application, or has any personal or financial interest in the outcome of the decisions, as defined by the Virginia Conflict of Interest Act.

None

DECLARATION OF ACCURACY:

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents, and other submittals, and that all statements made, herein, are to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that wrongful certification or failure to provide required or requested documents that become available after the initial submittal of this application may result in a delay in, or invalidation of, any official governmental action taken. Fraudulent representations may lead to additional penalties under law.

DECLARATION OF FINANCIAL RESPONSIBILITY FOR LEGAL ADVERTISEMENT:

By signing below, I understand that the cost of advertising for public hearing notification purposes is my responsibility and do hereby agree to pay all notices of payment due and invoices associated with advertising costs for this application, including newspaper and, all re-advertisements for continuances, re-hearings and appeals, as applicable.

DECLARATION OF CONSENT:

By signing below, the applicant/agent consents to entry upon the subject property by public officers, employees, and agents of the City of Chesapeake wishing to view the site for purposes of processing, evaluating, or deciding upon this application. Check the **party responsible for advertising**: Applicant Agent

Owner/Applicant Signature:	<u>[Signature]</u> (ESTELLA VILLAS LLC)		
Owner/Applicant Signature:	_____		
Owner/Applicant Printed Name(s):	<u>Tim D. Moody</u>		
Owner/Applicant Address:	<u>613 Lynnhaven Pkwy Suite 200 VA Beach VA</u>		
Telephone Number(s):	<u>257-496-3702</u>	Date:	_____
Email Address:	<u>TMOODY@MOODYHOMES.COM</u>		





RECEIPT OF PAYMENT

Date: 08/28/2020

Receipt # 570900

Paid By: _____

Paid

Tim Moody

Record Description	Address	Lot #	Fee Description	Amount
POS			Visa Credit Card Convenience Fee	\$9.56
ZON-BZA-2020-00027	201 ASTRA LN		Advertisement Fee	\$75.00
ZON-BZA-2020-00027	201 ASTRA LN		Application Fee	\$100.00
ZON-FENCE-2020-01055	2821 ESTELLA WAY		Technology Fee	\$5.00
ZON-FENCE-2020-01055	2821 ESTELLA WAY		Zoning Admin Fee	\$35.00
ZON-FENCE-2020-01055	2821 ESTELLA WAY		Zoning Permit Fee	\$10.00
ZON-FENCE-2020-01056	2825 estella		Technology Fee	\$5.00
ZON-FENCE-2020-01056	2825 estella		Zoning Admin Fee	\$35.00
ZON-FENCE-2020-01056	2825 estella		Zoning Permit Fee	\$10.00
ZON-FENCE-2020-01057	2827 ESTELLA WAY		Technology Fee	\$5.00
ZON-FENCE-2020-01057	2827 ESTELLA WAY		Zoning Admin Fee	\$35.00
ZON-FENCE-2020-01057	2827 ESTELLA WAY		Zoning Permit Fee	\$10.00
ZON-FENCE-2020-01058	2831 ESTELLA WAY		Technology Fee	\$5.00
ZON-FENCE-2020-01058	2831 ESTELLA WAY		Zoning Admin Fee	\$35.00
ZON-FENCE-2020-01058	2831 ESTELLA WAY		Zoning Permit Fee	\$10.00
Total				\$384.56

Payment Type:	Identifying #	# of Transactions	Amount
Visa	074236	1	\$384.56
Total			\$384.56

BALANCE DUE

\$0.00

Collected By: SJLARKIN

Entity Information

Entity Information

Entity Name: Estella Villas Development, Inc.

Entity ID: 07250061

Entity Type: Stock Corporation

Entity Status: **Active**

Formation Date: 06/29/2010

Reason for Status: Active and In Good Standing

VA Qualification Date: 06/29/2010

Status Date: 08/22/2013

Industry Code: 0 - General

Period of Duration: Perpetual

Jurisdiction: VA

Annual Report Due Date: N/A

Registration Fee Due Date: Not Required

Charter Fee: \$50.00

Registered Agent Information

RA Type: Entity

Locality: NORFOLK CITY

RA Qualification: BUSINESS ENTITY THAT IS
AUTHORIZED TO TRANSACT
BUSINESS IN VIRGINIA

Name: VB Business Services, LLC

Registered Office Address: 500 WORLD TRADE CTR, 101 W
MAIN ST, NORFOLK, VA, 23510 -
0000, USA

Principal Office Address

Privacy Policy (<https://www.scc.virginia.gov/privacy.aspx>) | Contact Us (https://www.scc.virginia.gov/clk/clk_contact.aspx)

613 LYNNHAVEN PARKWAY
200, VIRGINIA BEACH, VA, 23452 -
0000, USA

(<https://www.facebook.com/VirginiaStateCorporationCommission>)

(<https://twitter.com/VASStateCorpComm>)

Principal Information

Title	Director	Name	Address	Last Updated
PRESIDENT	Yes	TIMOTHY D. MOODY	613 LYNNHAVEN PARKWAY, SUITE 200, VIRGINIA BEACH, VA, 23452 - 0000, USA	08/02/2011

Current Shares

Total Shares: 5000

[Back](#)

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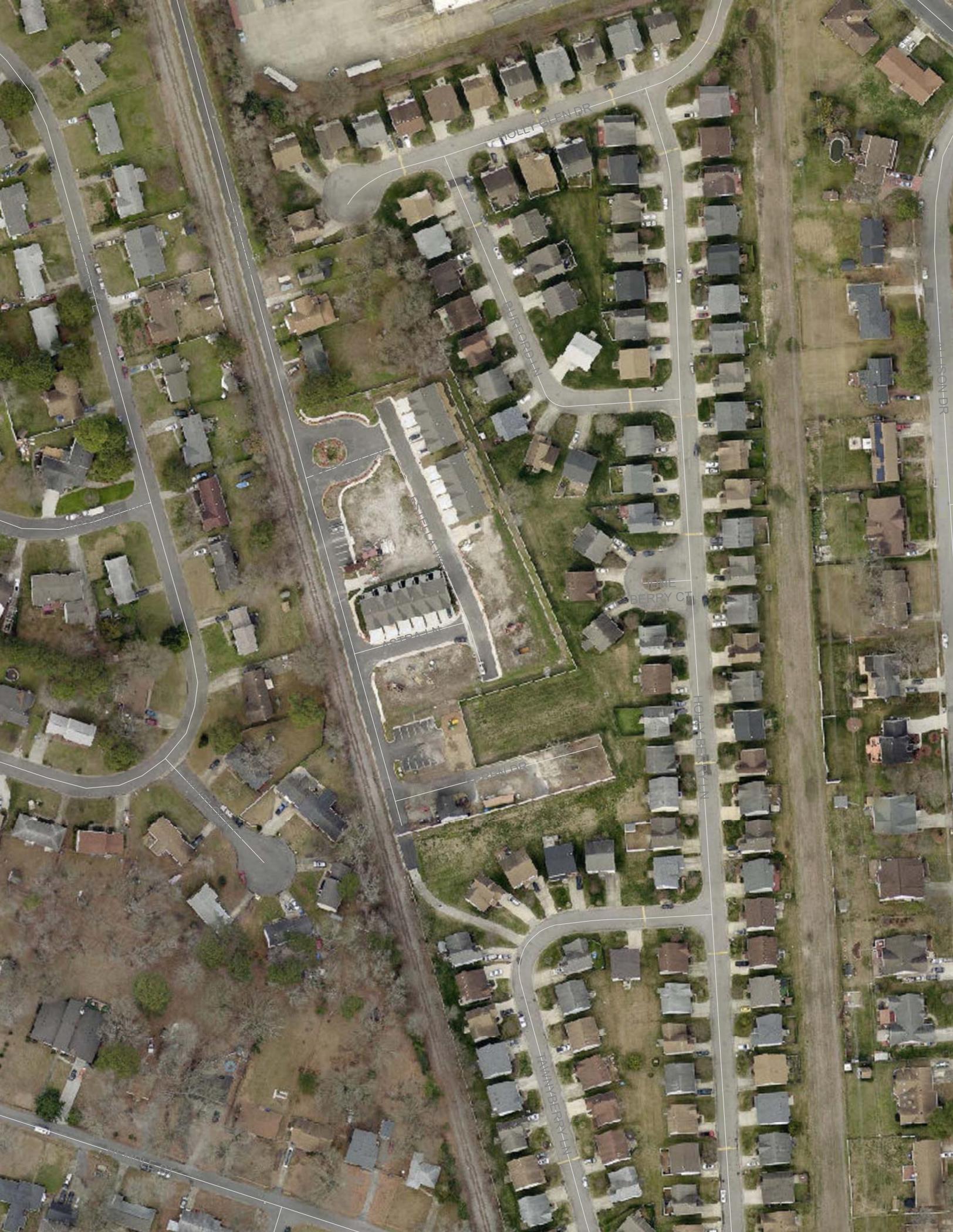
[RA History](#)

[Name History](#)

[Previous Registrations](#)

[Garnishment Designees](#)

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HOLLY GLEN DR

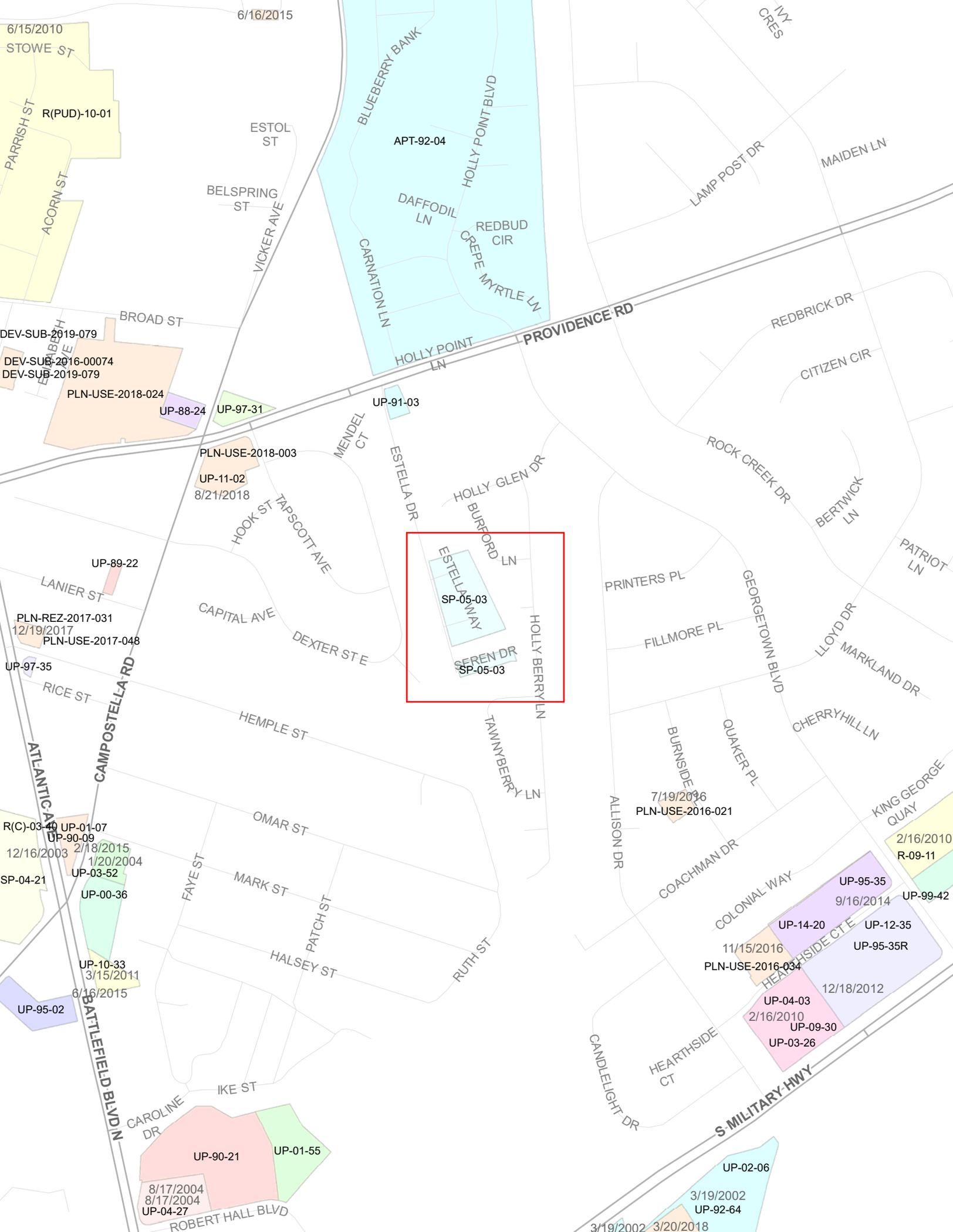
HILFEGEORGE DR

HOME BERRY CT

HOLLAND BERRY LN

HAMMERSLEY LN

MILLSON DR



SP-05-03
ESTELLA WAY
SEREN DR
SP-05-03

6/15/2010
STOWE ST
PARRISH ST
ACORN ST
R(PUD)-10-01

6/16/2015

ESTOL ST
BELSPRING ST
VICKER AVE

BLUEBERRY BANK
CARNATION LN
DAFFODIL LN
REDBUD CIR
CREPE MYRTLE LN
HOLLY POINT BLVD
HOLLY POINT LN

DEV-SUB-2019-079
DEV-SUB-2016-00074
DEV-SUB-2019-079
PLN-USE-2018-024
UP-88-24

UP-97-31
PLN-USE-2018-003
UP-11-02
8/21/2018

UP-91-03

LANIER ST
PLN-REZ-2017-031
12/19/2017
PLN-USE-2017-048
UP-97-35

CAPITAL AVE
DEXTER STE

R(C)-03-40
UP-01-07
UP-90-09
12/16/2003
2/18/2015
1/20/2004
UP-03-52
SP-04-21
UP-00-36

UP-10-33
3/15/2011
6/16/2015

UP-95-02

UP-90-21
UP-01-55
8/17/2004
8/17/2004
UP-04-27

7/19/2016
PLN-USE-2016-021

UP-95-35
9/16/2014
UP-99-42
UP-14-20
UP-12-35
UP-95-35R
11/15/2016
PLN-USE-2016-034
UP-04-03
2/16/2010
UP-09-30
UP-03-26
12/18/2012

2/16/2010
R-09-11

UP-02-06

3/19/2002
UP-92-64

3/19/2002 3/20/2018



Parcel Number: 0193023000000
Property Address (Primary): ESTELLA DR
 CHESAPEAKE , 23325
Parcel Class: 2071
Parcel Class Description: RESIDENTIAL - CONDO MAIN

Summary

Property Owner	ESTELLA VILLAS DEVELOPMENT INC
Owner Address Address	613 LYNNHAVEN PKWY VIRGINIA BEACH , VA 23452
Zoning	RMF1: Multi-Family Residential
Acreage	0
Legal Description	MASTER SHEET ESTELLA VILLAS CONDO

Site Information

Neighborhood Number	CN111
Neighborhood Description	ESTELLA VILLAS
Borough:	WASHINGTON
Building Name	
Frontage Length	
Other Dimensions	XCONDO
Land Use Participant	No

Assessment Information

Date	Fiscal Year	Land Value	Land Use Value	Improvement Value	Total Value
7/1/2020	2021				
7/1/2019	2020				

Ownership Information

Buyer Name	Seller Name	Sale Date	Sale Amount	Deed Book	Deed Page	Map Book/Page
ESTELLA VILLAS DEVELOPMENT INC	ESTELLA VILLAS DEVELOPMENT INC	8/28/2019	\$	10049	755	171/36
ESTELLA VILLAS DEVELOPMENT INC		7/18/2017	\$	9810	1601	

Segments Information

Outbuilding Information

Building Description	Year Built	Square Feet

Real Estate Tax

Current Year	Bill Number	Year	Installment	Date Due	Tax Billed	Tax Paid	Balance Due

Please contact the Treasurer's Office at (757) 382-6281 if you have questions regarding Tax Paid or Balance Due. Storm Water Fees and prior balances do not show on this tab.

Real Estate Notes

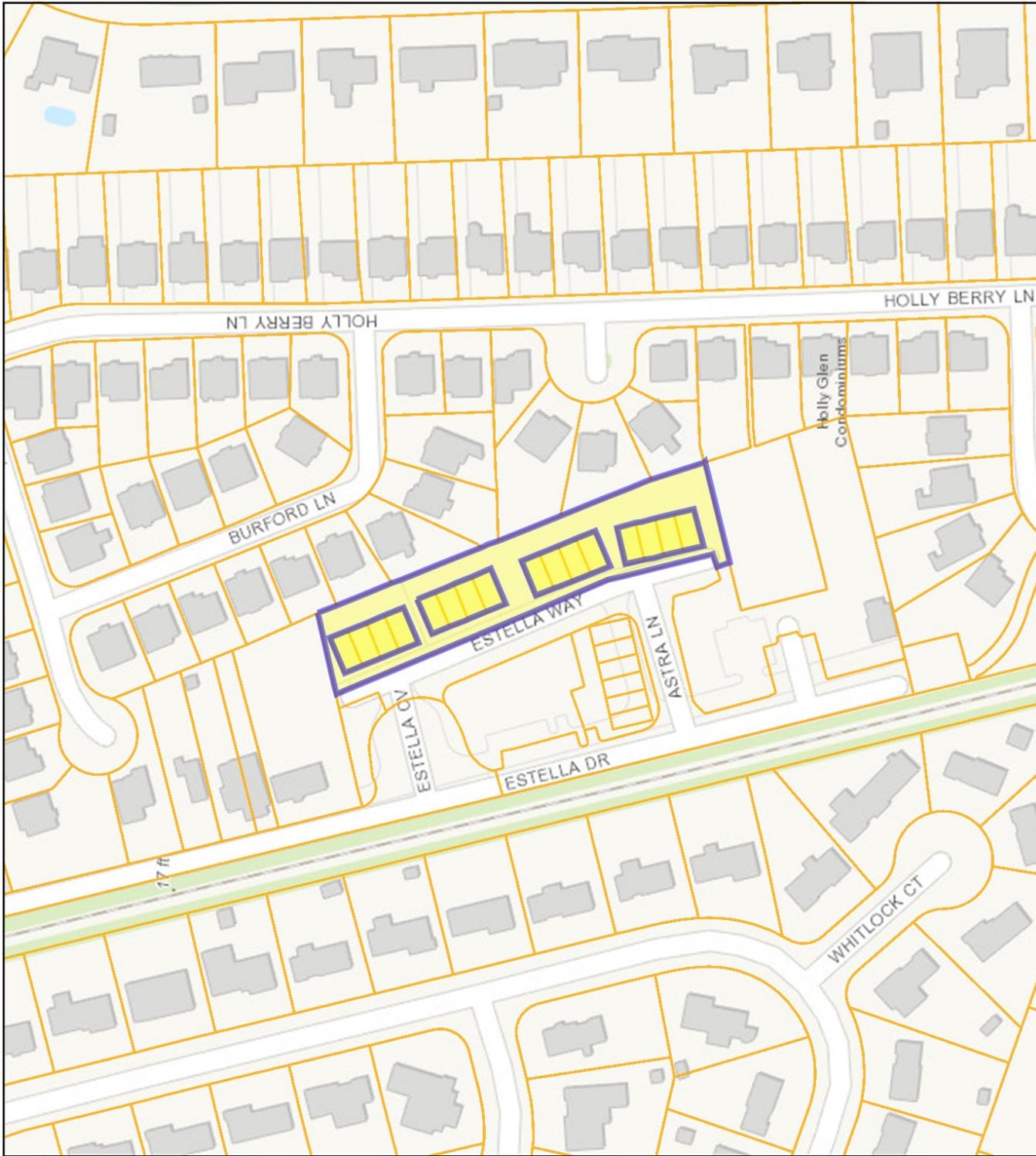
Note
1-FROM 19A-1-75 20-21 PER MB 171 PG 36-43 & DB 10049 PG 755 RECD 8/28/19;PJ9/11/19.

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as City of Chesapeake expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

City of Chesapeake, Virginia

Legend

- Parcels
- City Boundary



Parcel Number: 0193023000000

Date: 8/28/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Chesapeake is not responsible for its accuracy or how current it may be.



Parcel Number: 0193023000001
Property Address (Primary): ESTELLA WAY
 CHESAPEAKE , 23325
Parcel Class: 2060
Parcel Class Description: RESIDENTIAL - CONDOMINIUM (ATTACHED)

Summary

Property Owner	ESTELLA VILLAS DEVELOPMENT INC
Owner Address Address	613 LYNNHAVEN PKWY VIRGINIA BEACH , VA 23452
Zoning	RMF1: Multi-Family Residential
Acreage	1.098
Legal Description	ADDITIONAL LAND ESTELLA VILLAS CONDO PH 1 1.098 AC

Site Information

Neighborhood Number	CN111
Neighborhood Description	ESTELLA VILLAS
Borough:	WASHINGTON
Building Name	
Frontage Length	
Other Dimensions	XCONDO
Land Use Participant	No

Assessment Information

Date	Fiscal Year	Land Value	Land Use Value	Improvement Value	Total Value
7/1/2020	2021	\$377,000			\$377,000

Ownership Information

Buyer Name	Seller Name	Sale Date	Sale Amount	Deed Book	Deed Page	Map Book/Page
ESTELLA VILLAS DEVELOPMENT INC	ESTELLA VILLAS DEVELOPMENT INC	8/28/2019	\$	10049	755	171/36
ESTELLA VILLAS DEVELOPMENT INC		7/18/2017	\$	9810	1601	170/17

Segments Information

Outbuilding Information

Building Description	Year Built	Square Feet

Real Estate Tax

Current Year	Bill Number	Year	Installment	Date Due	Tax Billed	Tax Paid	Balance Due

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Real Estate Notes

Note
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2-LEGAL CHG 20-21; .175AC TO 19C-23-26-29 PER MB 171 PG 140-147 & DB 1070 PG 1425 RECD 10/24/19;PJ; 10/29/19.

3-LEGAL CHG 20-21; .094AC TO 19C-23-10-11 PER MB 171 PG 140-147 & DB 1070 PG 1430 RECD 10/24/19;PJ; 10/29/19.

4-LEGAL CHG 20-21; .110 AC TO 19C-23-7-9 PER MB 172 PG 116-122 & DB 10111 PG 1643 RECD 2/11/2020;PJ 2/13/2020.

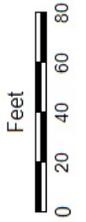
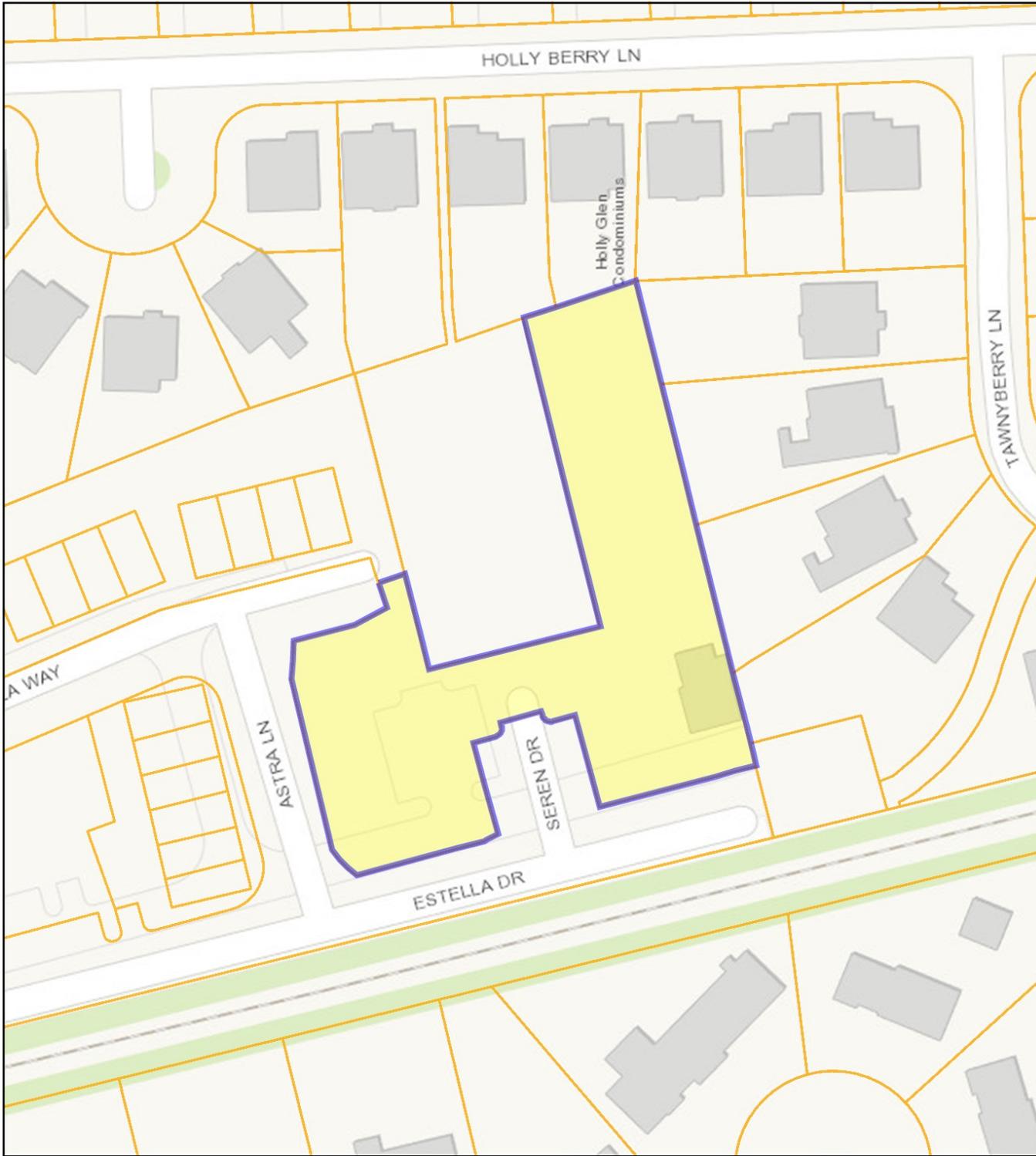
5-LEGAL CHG 21-22; .178AC TO 19C-23-22-25 PER MB 173 PG 185-189 & DB 10185 PG 30 RECD 7/21/2020; PJ 7/24/2020.

6-LEGAL CHG 21-22; .229AC TO 19C-23-18-21 PER MB 173 PG 190-195 & DB 10185 PG 35 RECD 7/21/2020; PJ 7/24/2020.

City of Chesapeake, Virginia

Legend

- Parcels
- City Boundary



Parcel Number: 0193023000001

Date: 8/28/2020

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Staff Report

TO: Chesapeake Board of Zoning Appeals

FROM: Dale Ware, AICP, CZA

RE: Application # ZON-BZA-2020-00027
2801 – 2835 Estella Way and 201 – 221 Astra Lane

Hearing Date: September 24, 2020

Application # ZON-BZA-2020-00027

Tim D Moody / Moody Homes, President Estella Villas Development, Inc. property owner, Estella Drive, requesting a variance of 30 inches from Section 14-202.A.2 of the Chesapeake Zoning Ordinance to exceed the maximum height for fences, walls and hedges in a side / rear yard from 6 feet to 8 feet 6 inches behind the interior edge of the established front yard. The property is further identified as Master Sheet Estella Villas Condo; Real Estate Parcel Nos. 0193023000000 & 0193023000001 - Zoning: R-MF-1, residential.

Background Information:

The applicant constructed 6-foot tall fences above the grade level decks between condo units for partitions and received a notice of violation as the fences when measured from grade the height measures 8.5 feet. These fences between condo units are located in the required side and rear yards and behind the interior edge of the established front yard. The fence height exceeds the maximum height of 6 feet above grade allowed behind the interior edge of the established front yard and the applicant is requesting a variance to keep the partitions.

The applicant was advised of financial responsibility for advertising costs. This application was advertised in the Chesapeake Clipper section of the Virginian Pilot Newspaper and adjacent property owners were mailed notice of this request in accordance with Section 15.2-2204 of the Code of Virginia. The applicant was provided a public notice sign to be posted on the property pursuant to the requirements of Section 20-702.E of the Chesapeake Zoning Ordinance.

Staff Analysis and Recommendation:

Sections 20-402.A & B of the Chesapeake Zoning Ordinance and Section 15.2 – 2309 of the Code of Virginia require certain standards be met for the Board of Zoning Appeals to grant a variance. These standards are listed at the end of this report as an excerpt from Section 20-402. A & B of the Zoning Ordinance.

To approve the variance the Board must find, conditioned upon the applicant having acquired the property in good faith, that the applicant’s situation is unique due to the particular physical surroundings, size, shape, topographical condition or other extraordinary situation and not shared by other properties in the same zoning district and vicinity, that the denial of the variance would result in a hardship rather than an inconvenience, that the character of the district would not be changed as a result of the granting of the variance, and that the situation is not such of a general nature that would require a text amendment to the Zoning Ordinance to achieve compliance.

Notwithstanding the applicant’s situation, the variance application and background information provided by the applicant does not meet all of the criteria needed for the granting of a variance as the applicant has not shown that the denial of the variance would effectively prohibit or otherwise unreasonably restrict the current use of the property. There appears to be no evidence to show that the variance application, if granted by the Board, would not amount to alleviating a hardship rather than an inconvenience. Moreover, the applicant has not demonstrated a hardship as the applicant has the ability to use and is using the property. With this information and along with the strict construct of state law and the Zoning Ordinance dealing with the requirements for the granting of variances, staff recommends denial of this variance to the Board.

EXCERPTS FROM CHESAPEAKE ZONING ORDINANCE

§ 14-202. - Fences, walls and hedges on business, office and institutional, assembly district property and multi-family district property; height limitations.

A. *In general.* Except as provided for below, all fences, walls and hedges located on any property located in a business, office and institutional, assembly or multi-family district zoning district classification shall be subject to the following height limitations:

1. Established front yard:
 - a. Fences and walls, a maximum of four (4) feet in height.
 - b. Hedges, a maximum of six (6) feet in height.
2. Along or behind the interior edge of the established front yard, a maximum of six (6) feet in height.

§20-402. Standards for variances

General standards; the Board of zoning appeals (BZA) shall authorize a variance from the terms of the zoning ordinance only when such authorization will not be contrary to the public interests and when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would unreasonably restrict the utilization of the property, provided that the spirit of the zoning ordinance shall be observed and substantial justice done.

Action and specific findings required; the BZA shall either: approve, deny or approve with conditions the request for a variance.

A "Variance" means, in the application of the zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
5. The relief or remedy sought by the variance application is not available through a special exception process at the time of the filing of the variance application.

END OF REPORT